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GOVERNMENT OF INDIA

MINISTRY OF LABOUR

NOTIFICATION

New Delhi, the 16th September 1949

No LR.21(11).—The following draft of a scheme for the Port of Bombay, which it is proposed to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948, (No. IX of 1948) is published as required by sub-section (2) of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 25th December 1949.

2. Any objection or suggestion which may be received from any person with respect to the said draft before the dates specified will be considered by the Central Government.

Draft Scheme

THE BOMBAY DOCK WORKERS (REGULATION OF EMPLOYMENT) SCHEME, 1949

1. *Name of Scheme* —This Scheme may be called the Bombay Dock Workers (Regulation of Employment) Scheme, 1949, and is hereinafter referred to as "the Scheme".

2. *Objects and Application.*—(1) The objects of the Scheme are to ensure greater regularity of employment for dock workers and to secure that an adequate number of dock workers is available for the efficient performance of dock work.

(2) The Scheme shall relate to the Port of Bombay and it shall apply to such classes or descriptions of dock work and dock workers as are set out in the Schedule annexed to the Scheme.

Provided always that the Scheme shall not apply to any dock worker unless he is employed or registered for employment in connection with the loading, unloading, movement or storage of cargoes or work in connection with the preparation of ships or other vessels for the receipt or discharge of cargoes or for leaving port.

(8) The Scheme shall apply to registered dock workers and registered employers.

3. *Interpretations* —In this Scheme unless there is anything repugnant in the subject or context—

(a) "the Act" means the Dock Workers (Regulation of Employment) Act 1948 (IX of 1948)

- (b) "cargo" and "dock worker" have the meanings respectively assigned to them in the Act;
- (c) "daily worker" means a registered dock worker who is not a monthly worker;
- (d) "dock employer" means the person by whom a dock worker is employed or to be employed;
- (e) "dock work" means operations at places or premises to which the Scheme relates, ordinarily performed by dock workers of the classes or descriptions to which the Scheme applies;
- (f) "employer's register" means the register in the port kept under the Scheme of dock employers;
- (g) "Government" means the Central Government;
- (h) "monthly worker" means a registered dock worker who is engaged by a registered employer under a contract which requires at least one month's notice for its termination;
- (i) "register or record" means the register or record in the port kept under the Scheme of dock workers;
- (j) "registered dock worker" means a dock worker whose name is for the time being entered in the register or record;
- (k) "registered employer" means a dock employer whose name is for the time being entered in the employer's register;
- (l) "reserve pool" means those registered dock workers who are available for work, and who at any time are not in the employment of a registered employer;
- (m) "week" means period between midnight on Saturday night and midnight on the succeeding Saturday night;

4. *Bombay Dock Labour Board—Establishment of.*—(1) The Central Government shall constitute a Bombay Dock Labour Board (hereinafter referred to as the Board) which shall be responsible for the administration of the scheme.

(2) The Board shall consist of nine members to be appointed by the Government and shall include an equal number of members representing—

- (i) the Government,
- (ii) the Dock Workers, and
- (iii) The Employers of Dock Workers.

(3) The Board shall elect a Chairman and a Vice-Chairman from among its members.

(4) The persons representing respectively the Dock Workers and the employers shall be appointed after consulting such Associations of persons which appear to the Government to be representative of such workers and such employers.

(5) There shall be paid to the non-official members of the Board such salaries, fees and allowances as may be determined by the Board from time to time.

(6) The members of the Board shall hold office for three years and shall be eligible for reappointment. A member appointed to fill a casual vacancy shall hold office for the unexpired portion of the term of the person in whose place he is appointed.

(7) No act done by the Board shall be questioned merely on the ground of the existence of any vacancy in, or defect in the constitution of, the Board.

(8) The procedure and quorum of the Board shall be such as the Board may from time to time determine.

(9) If any question arises for the decision of the Board, it shall be decided by a resolution of the majority of the members of the Board present and voting.

5. *Powers and functions of the Board.*—(1) The functions of the Board shall include all such activities and operations as further the objectives of the scheme as set out in clause 2 and in particular, but without prejudice to the generality of this clause :

- (a) ensuring the full and proper utilisation of dock labour for the purpose of facilitating the rapid and economic turnaround of vessels and the speedy transit of goods through the port;
- (b) regulating the recruitment and entry into and the discharge from the Scheme of dock workers and the allocation of registered dock workers to registered employers;
- (c) determining and keeping under review in consultation with the Executive Officer the size from time to time of the registers or records and the increases or reductions to be made in the numbers in any such registers;
- (d) Keeping, adjusting and maintaining the employers' registers, entering or re-entering therein the name of any person by whom dock workers are or are to be employed and where occasion requires it, removing from the register the name of any employer, either at his own request or in accordance with provisions of the Scheme;
- (e) keeping, adjusting and maintaining the registers or records of dock workers including any registers or records of dock workers who are temporarily not available for dock work and whose absence has been approved by the Executive Officer that may from time to time be found necessary and where occasion requires it, removing from any register or record the name of any dock worker either at his own request or in accordance with the provisions of the Scheme;
- (f) the grouping or regrouping of all registered dock workers into such groups as may be determined by the Board after consultation with the Executive Officer and thereafter reviewing the grouping of any registered dock worker on the application of the Administrative Body or of the dock worker;
- (g) making satisfactory provision for the training and welfare of dock workers including medical services, in so far as such provision does not exist apart from the Scheme;
- (h) levying and recovering from registered employers contributions in respect of the expenses of the Scheme;
- (i) borrowing or raising money and issuing debentures or other securities and, for the purpose of securing any debt or obligation, mortgaging or charging all or any part of the property of the Board.
- (j) making satisfactory provision for health and safety measures in places where dock workers are employed in so far as such provision does not exist apart from the scheme.

(2) With a view to ensuring the efficient and harmonious working of the scheme in the port, the Board delegate to the Executive Officer any functions which it deems fit provided that no such delegation shall be made in respect of the matters referred to in paragraph (c) of sub clause (1) of clause 5

(3) The Board may appoint such officers and servants as it thinks necessary and pay them such salaries and allowances it deems fit:

Provided that the creation of posts carrying a pay over Rs. 500/-p.m. and appointment of persons to such posts shall not be made by the Board except with prior approval of the Central Government.

(4) The income and property of the Board whencesoever derived shall be applied solely towards the objects of the Scheme and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus, or otherwise howsoever by way of benefit to the members of the Board; provided that nothing herein shall prevent the payment of reasonable and proper remuneration and expenses to any officer or servant of the Board or to any member of the Board in return for any services actually rendered to the Board, nor prevent the payment of interest at a reasonable rate on money lent or reasonable and proper rent for premises demised or let by any member to the Board.

(5) The Board shall cause proper accounts to be kept of the costs of operating the Scheme and of all receipts and expenses under the Scheme.

(6) The Board shall submit to the Government an annual report on the working of the Scheme.

6. *Executive officer.*—(1) The Government shall, in respect of the class or description of dock work to which and the dock workers to whom the Scheme shall apply, appoint by notification in the official Gazette after consulting the Board and subject to such conditions as it may require, a person to act as an Executive Officer who shall be responsible for the administration of the Scheme in respect of such class or description of dock work and dock workers.

(2) The same person may be appointed to act as an Executive Officer for more than one class or description of dock and dock workers.

(3) The Executive Officer shall be appointed for five years and shall be eligible for reappointment.

(4) For the purpose of the Scheme, the Executive Officer may appoint and pay such officers and servants as necessary:

Provided, however, that the creation of posts carrying a pay over Rs. 250/-p.m. and appointment of persons to such posts shall not be made except with the prior approval of the Board

(5) The Executive Officer shall cause proper accounts to be kept of the cost of operating the Scheme and of all receipts and expenses under it; and shall make and submit to the Board an annual report and audited balance-sheet.

7. *Functions of Executive Officer as to registers and other matters.*—Subject to and in accordance with the provisions of Clause 5(2) hereof, the Executive Officer shall be responsible to the Board for the administration of the Scheme in respect of the Class or description of dock work or dock workers for which it has been appointed, and in particular but without prejudice to the generality of this clause—

- (a) the keeping, adjusting and maintaining the employers' register, entering or re-entering therein the name of any person by whom dock workers are or are to be employed, and where occasion requires it, removing from the register the name of any employer, either at his own request or in accordance with the provisions of the Scheme.
- (b) the keeping, adjusting and maintaining the register or record of dock workers, including any register or record of dock workers who are temporarily not available for dock work and whose absence has been approved by the Executive Officer that may from time to

time be found necessary, and where occasion requires it, removing from the register or record the name of any dock workers either at his own request or in accordance with the provisions of the Scheme;

- (c) the employment and control of registered dock workers available for work when they are not otherwise employed in accordance with the Scheme;
- (d) the grouping or re-grouping of registered dock workers in accordance with instructions received from the Board in such groups as may be determined by the Board;
- (e) the allocation of registered dock workers who are available for work to registered employers, in doing which the Executive Officer shall—
 - (i) be deemed to act as agent for the employer,
 - (ii) make the fullest possible use of registered dock workers in the reserve pool,
 - (iii) keep the record of attendance at call stands or control points of registered dock workers,
 - (iv) provide for the maintenance of the records of employment and earnings;
- (f) (i) the payment as agent of the registered employer to each daily worker of all earnings properly due to the daily worker from the employer, and the payment to such daily workers of all monies payable by the Board to those workers in accordance with the provisions of the Scheme;
- (ii) the payment of the employer's contribution to any scheme of insurance constituted under any Act in respect of daily workers and the custody and stamping of their insurance books or cards.
- (iii) the payment of the employer's contributions to any scheme of Provident Fund established for daily workers;
- (g) such other functions as may from time to time be delegated to him by the Board.

8. Maintenance of Registers etc.—

(1) *Employers' Register.*—(a) There shall be a register of employers.

(b) In so far as the application of the scheme to stevedore labour is concerned, every stevedore, who is licensed by the Bombay Port Trust at the time when the scheme is put into operation and who has worked as a stevedore in the Port of Bombay at any time during the preceding two years, shall be entitled to be registered under the scheme; but no such person shall be so entitled unless he applies for registration on or before the date fixed by the Board for this purpose.

(c) Persons other than those registered under sub-clause (b) above shall not be registered as stevedores unless the Board considers it expedient and necessary to do so and in no case shall a person be registered until he has been licensed in that behalf by the Port Authority.

(d) A registration fee of Rs. 500 shall be payable to the Board by every stevedore.

(2) *Workers' Registers.*—(1) The registers shall be maintained in the forms devised by the Registration Committees and approved by the Board for the purpose.

(2) The registers of Stevedore workers shall be as under, namely—

- (i) *Monthly Register*.—Register of workers who are engaged by each stevedore on contract on monthly basis and who are known as monthly workers;
- (ii) *Reserve Pool Register*.—Register of workers other than those on the monthly register. This register shall include a pool of junior stevedore workers to fill casual vacancy in gangs.

9. *Classification of workers in Registers*.—(i) The Registration Committee shall arrange for the classification of workers by categories in the registers.

(ii) Stevedore labour shall be classified in the following categories:—

- (a) Foremen-Grade I
- (b) Foremen- „ II
- (c) Foremen- „ III
- (d) Chargemen
- (e) Stevedore Tindal
- (f) Winchmen
- (g) Hatchmen
- (h) Khalasi
- (i) Stevedore worker-senior
- (j) Stevedore worker-junior
- (k) Cleaning Tindal
- (l) Cleaning worker.

10. *Fixation of number of workers on the register*.—The total number of workers in each category shall be determined by the Board in consultation with the Port Authority.

11. *Registration of existing and New Workers*.—(1) Any dock worker who immediately before the coming into force of the Scheme is in the employment of any employer to whom the Scheme applies shall be eligible for registration.

(2) New workers will be selected for registration by the Registration Committee. The criteria for such selection should be age not exceeding thirty years, physical fitness, capacity and/or experience. Preference will be given to those possessing Indian nationality.

(3) New workers to be selected for registration will be on probation for a period of three months before being placed on a permanent basis in the registers.

12. *Transfer of Workers*.—(1) A vacancy in the category of worker in a register shall ordinarily be filled up by promotion of a worker from the next lower category.

(2) A vacancy in each category of the Monthly Workers shall be filled up by transfer of a senior worker in a similar category of the Reserve Pool Workers.

Explanation.—The criteria for promotion or transfer shall ordinarily be the following, viz.,

- (a) Seniority,
- (b) merit and fitness for work in the category to which promotion is to be made,
- (c) record of past service.

(8) The services of a monthly worker are terminated by the employer otherwise than in pursuance of disciplinary action in accordance with the provisions of the scheme, he shall be entitled to registration in the Reserve Pool in a similar category and his previous service should be reckoned for all benefits in the Reserve Pool. The employer shall contribute to the Board such amount as may be appropriate towards the workers leave that may be due to him at the date of such transfer.

13. Medical Examination.—If the Executive Officer deems it necessary, a worker will have to undergo medical examination by a Medical Board to be constituted by the Board.

14. Facilities for Training.—Adequate facilities for training shall be provided for workers by the Board.

15. Registration Fee.—A registration fee of rupees two shall be payable to the Board by each worker. Provided however that the fee for workers registered at the commencement of the Scheme shall be Rupee one.

16. Supply of Cards.—(1) Every registered worker shall be supplied free of cost, with the following cards in the forms prescribed by the Board, namely—

(i) Identity Card.

(ii) Attendance Card.

(iii) Wage Card.

(2) In case of loss of a card a fresh card will be issued but the cost thereof, which will be fixed by the Board, shall be payable by the worker concerned.

17. Surrender of Cards.—A worker's card shall be surrendered to the Executive Officer in the following cases and circumstances, namely—

(a) when proceeding on earned leave,

(b) when retiring from service,

(c) when dismissed or discharged from service,

(d) when temporarily suspended,

(e) on death.

18. Employment of Workers.—(1) Workers on the Monthly Register attached to a registered employer shall be entitled to be employed by that employer in preference to any worker in the Reserve Pool Register.

(2) For the remaining available work, workers on the Reserve Pool Register will be employed.

19. Employment in Shifts.—(1) Workers will be employed in two shifts, namely, day shift and night shift.

(2) Workers will not ordinarily be employed in two consecutive shifts in a day and in no case will workers on Monthly Register be employed on a second shift so long as workers in a similar category are available on the Reserve Pool Register for work in that shift.

(3) Workers of each category on the Reserve Pool Register shall be allotted work by rotation.

(4) Where work is carried on by a gang, the allotment of workers by rotation shall be by gangs.

20. Filling up of Casual Vacancies.—Casual vacancies in the Monthly and Reserve Pool gangs will be filled up in the following manner:—

When a tindal is absent, the senior man in the same gang will work as a tindal.

In the vacancies of workers in the gangs, workers from the Reserve Pool will be employed by rotation.

21. *Guaranteed Minimum Wages.*—A worker on the Reserve Pool Register shall be paid wages at least for twelve days in a month at the wage rate, inclusive of dearness allowance, appropriate to the category to which he belongs, even though no work is found for him for the minimum number of twelve days in a month.

22. *Attendance Wages.*—Subject to the provisions of the Scheme, a worker on the Reserve Pool Register who is available for work but no work is found for him, shall be paid Attendance Wages at the rate of rupee one per day for the days on which no work was found for him in the course of a calendar month. No attendance wages will be payable for any day for which full wages, inclusive of Dearness Allowance, have been paid.

23. *Employment for a Shift.*—No worker in the Reserve Pool Register shall be employed for a period of less than a shift and where the work for which a worker has been engaged is completed during the working period of the shift, he shall undertake such other work in or at the same or another vessel or berth as may be required by the same employer for the remainder of the period.

24. *Disappointment Money.*—When a worker in the Reserve Pool presents himself for work and for any reason beyond the control of the employer, the work for which he has attended cannot proceed and no alternative work can be found for him and he is relieved within 2 hours of his attending for work, he will be entitled to disappointment money equal to half the wage rate, inclusive of dearness allowance, appropriate to the category to which he belongs.

25. *Appeal Tribunal.*—(1) The Government shall appoint one or more Appeal Tribunals for the purposes of appeal under the Scheme.

(2) The appeal tribunal shall consist of not more than three persons, who shall not be members of the Board.

26. *Registration Committee.*—The Board shall, if necessary, appoint one or more Registration Committees, to whom it may delegate such duties as it may think fit in relation to the registration both of dock workers and of employers of dock workers.

27. *Obligations of registered dock workers.*—(1) Every registered dock worker shall be deemed to have accepted the obligations of the Scheme.

(2) A registered dock worker in the reserve pool who is available for work shall be in the employment of the Board.

(3) A registered dock worker who is available for work shall not engage himself for employment by a registered employer unless he is allocated to that employer by the Executive Officer or unless he is engaged as a monthly worker.

(4) A registered dock worker available for work in the employment of the Board shall carry out the directions of the Executive Officer and shall—

(a) report at such call stands or control points and at such times as required,

(b) accept any employment in connection with dock work, or any other work agreed by the Executive Officer for which he is considered by the Executive Officer to be suitable.

(5) A registered dock worker who is available for work when allocated by the Executive Officer to employment by a registered employer shall carry out his duties in accordance with the rules of the port or place where he is working.

28. *Obligations of registered employers.*—(1) Every registered employer shall accept the obligations of the Scheme.

(2) A registered employer shall not employ a daily worker other than such worker who has been allocated to him by the Executive Officer in accordance with the provisions of Clause 7(1)(e).

(3) A registered employer shall on the engagement of a registered dock worker who is available for work, obtain his record book and stamp it in respect of each period of work and return it to him at the conclusion of his engagement, unless otherwise directed by the Executive Officer.

(4) A registered employer shall submit in accordance with arrangements made by the Executive Officer, all available information of his current and forward labour requirements.

(5) A registered employer in accordance with directions given by the Executive Officer shall lodge with the Executive Officer a return of the gross wages (including overtime and allowances and without deductions of any kind) due from him to each registered dock worker in respect of the period covered by the return.

(6) A registered employer shall pay to the Executive Officer in such manner and at such times as the Board may direct the total amount of the gross wages due to daily workers contained in the return made under the preceding paragraph.

(7) A registered employer shall keep such records as the Board may reasonably require, and shall produce to such persons as may be designated by the Board upon reasonable notice all such records and any other documents of any kind relating to registered dock workers and to the work upon which they have been employed and furnish such information relating thereto, as may be set out in any notice or direction issued by or on behalf of the Board.

29. Restriction on employment.—(1) No person other than a registered employer shall engage for employment or employ any worker on dock work nor shall a registered employer engage for employment or employ a worker on dock work unless that worker is a registered dock worker.

(2) Notwithstanding the foregoing provisions of this clause—

(a) where the Executive Officer is satisfied that—

(i) dock work is urgently required to be done, and

(ii) it is not reasonably practicable to obtain a registered dock worker for that work, the Executive Officer may, subject to any limitations imposed by the Board, allocate to a registered employer a person who is not a registered dock worker.

(b) in the case referred to in sub-paragraph (a) the person so employed as aforesaid by a registered employer shall, for the purposes of Clause 28(5), (6) and (7) and Clause 31 in respect of that dock work as though he were a daily worker.

30. Circumstances in which Scheme ceases to apply.—(1) The Scheme shall cease to apply to a registered dock worker when his name has been removed from the register or record in accordance with the provisions of the Scheme.

(2) The Scheme shall cease to apply to a registered employer when his name has been removed from the employers' register in accordance with the provisions of the Scheme.

(3) Nothing in this Clause shall affect any obligation incurred or right accrued during any time when the person was a registered dock worker or a registered employer.

31. Wages, allowances and other conditions of service.—It shall be an implied condition of the contract between a registered dock worker available for work and a registered employer that—

- (a) the rates of wages, allowances, and overtime, hours of work, rest intervals, holidays and pay in respect thereof and other conditions of service shall be in accordance with the agreements between the registered employers and registered workers or their organisations;
- (b) the fixation of wages periods, time for payment of wages and deductions from wages shall be in accordance with the provisions of the payment of Wages Act, 1936.

32. Pay in respect of unemployment or under-employment.—(1) Subject to the conditions set out in this and the next following Clause, when a registered dock worker is in respect of any wage period when he is available for work but employment or full employment is not available for him, he shall be entitled to receive from the Board the amount (if any) that is appropriate for that dock worker as may be fixed from time to time by the Board.

(2) The conditions subject to which a registered dock worker is entitled to the said payment (if any) from the Board are that—

- (a) he attended as directed at the call stands or control points or was excused from attendance;
- (b) his attendance or his excused attendance was recorded.

33. Disentitlement to payment.—(1) A registered dock worker available for work who while in the reserve pool fails without adequate cause to comply with the provisions of Clause 27(4)(a) or (b) hereof, or fails to comply with any lawful order given to him by or on behalf of the Board, may be reported in writing to the Executive Officer.

(2) A registered dock worker available for work who while in employment to which he has been allocated by the Executive Officer fails without any adequate cause to comply with the provisions of Clause 27(5) hereof, or fails to comply with any lawful orders given to him by his employer, may have his engagement terminated and may be returned to the reserve pool, and, whether or not he is so returned may be reported in writing to the Executive Officer. When a registered dock worker is so returned to the reserve pool, his record book shall be returned to the Executive Officer.

(3) The Executive Officer shall consider any written report received under paragraph (1) or (2) hereof and if, after investigating the matter the Executive Officer notifies the registered dock worker that it is satisfied that there has been such failure or behaviour as aforesaid, the registered dock worker shall not be entitled to any payment, or to such part of any payment as the Executive Officer thinks fit under Clause 32 hereof in respect of the wage period in which such failure or behaviour occurred or continues.

34. Disciplinary procedure.—(1) Where a registered employer fails to carry out the provisions of the Scheme, his name may be removed from the employers' register, subject to the approval of the Board, after one month's notice in writing given to him by or on behalf of the Executive Officer, and thereafter the name of that employer shall not be re-entered in the employers' register for a period of three months or such less period as the Executive Officer may determine.

(2) Where a registered dock worker available for work fails to comply with any of the provisions of the Scheme, then without prejudice to and in addition

to the powers conferred by Clause 16 hereof, the Executive Officer may take any of the following steps as regards that worker:—

It may—

- (a) **determine that for such period as it thinks proper he shall not be entitled to any payment under Clause 15**
- (b) give him a warning in writing;
- (c) suspend him without pay for a period not exceeding three days.
- (d) **give him one month's notice of termination of employment if he is monthly-rated and fourteen days' notice of termination if he is daily-rated;**
- (e) dismiss him summarily.

Before taking action under sub-clause (1) or (2), the person concerned must be given an opportunity to show cause why action should not be taken against him.

35. Termination of employment.—(1) The employment of a registered dock worker in the reserve pool who is available for work shall not be terminated except—

- (a) by summary dismissal in the case of serious misconduct; or
- (b) by giving of fourteen days' notice in writing, or
- (c) so as to enable the worker to be employed in accordance with the provisions of the Scheme.

(2) A registered dock worker in the reserve pool who is available for work shall not leave his employment with the Board except by giving fourteen days' **notice in writing to the Board or so as to be employed in accordance with the provisions of the Scheme**

(3) Where the employment of a registered dock worker by the Board has been terminated under paragraph 1(a) or (b), or under paragraph (2) hereof **after notice given by him, his name shall forthwith be removed from the register or record.**

36. Appeals—(1) If a registered dock worker who is available for work is aggrieved because—

- (a) he is not entitled to any payment under Clause 32 by reason of any of the matters set out in Clauses 33 or 34, or
- (b) he has been suspended from the Scheme; or
- (c) of his grouping or re-grouping in the register or record; or
- (d) his name has been removed from the register or record under paragraphs 1(a) and (3) of Clause 35; or
- (e) he has received notice to terminate his employment in accordance **with paragraphs 1(b) and (3) of Clause 35.**

he may, within seven clear days of being informed that he is not so entitled, or has been so suspended, or has been grouped or re-grouped in a particular manner, or within seven clear days of notice given to him of such removal or termination, prefer an appeal in writing with the Appeal Tribunal;

Provided that no appeal shall lie where due notice has been given preceding **the removal of the name of the registered dock worker from the register or record** in accordance with the instructions of the Board, if the grounds of removal are that the registered dock worker falls within a class or description of dock workers whose names are to be removed from the register or record in order to reduce the size thereof, so, however, that an appeal may nevertheless be made upon the ground that the registered dock worker alleges that he does not belong to that class or description.

(2) The Appeal Tribunal shall, as soon as may be, hear the appeal and if the appeal is allowed, shall have power to order that the registered dock worker shall be entitled to receive any payment or proportion thereof which may be due under Clause 15, but subject to the conditions contained in that Clause, or shall be grouped in accordance with the determination of the Tribunal, and the Executive Officer may in a case of summary dismissal, restore to the register or record the name of the dock worker as from such date, not being later than the date of the determination of the appeal as the Tribunal may decide and the dock worker shall be treated as if he had not ceased to be a registered dock worker as from the date and in any other case the Executive Officer shall retain the name of the dock worker on the register. In all cases the Tribunal shall have power to vary, modify or alter the penalty imposed so, however, that it shall not have to be represented by a representatives of the registered trade union of which he is member or by his fellow-worker.

(4) The decision of a majority of an Appeal Tribunal shall be the decision of the Tribunal.

(5) A registered employer who is aggrieved by reason of the fact that he has received notice under Clause 34 (1) hereof that his name will be removed from the employers' register, may, within seven days of the issue of such notice, lodge an appeal with the Board, who shall forthwith refer the matter to the Government, who shall make such provision for its determination as may appear to them appropriate.

87. Suspension of notice in case of certain appeals.—Where in any case notice has been given that the name of a registered dock worker or a registered employer is to be removed from the register or record (as the case may require), the employers' register, or where a registered dock worker has received notice of suspension from work or from the provisions of Clause 32 hereof, and an appeal is lodged in accordance with the provisions of Clause 36 hereof, the operation of the notice (except in the case of summary dismissal and in a case of the dis-entitlement under Clause 33 hereof) shall be suspended pending the hearing of the appeal and if the appeal is allowed, the notice shall be treated as ineffective but otherwise the notice shall be treated as effective.

88. Cost of operating the Scheme.—(1) The cost of operating the Scheme shall be defrayed by payments made by registered employers to the Board in the manner following:—

Every registered employer shall pay to the Board—

- (a) such levy, whether by way of percentage on the gross wages set out in Clause 28(6) or as otherwise agreed, together with an at the same time as the payment of those wages; and
- (b) at the same time as the payment under sub-paragraph (a), such levy whether by way of percentage on the gross wages shown as due to monthly workers in the return made under Clause 11(5) or as otherwise agreed;

as the Board may in either case from time to time notify by public notice.

(2) In determining what payments are to be made by registered employers under paragraph (1) of this Clause, the Board may fix different percentages for different categories of work or workers, provided that the percentages shall be so fixed that the like percentages will apply to all dock employers who are in the circumstances.

(3) Before sanctioning a levy exceeding sixty percent of gross wages the Board shall report the matter to the Government and shall not sanction such a levy until it has taken into consideration any observations received from the

Government within fourteen days of the receipt of the report by Government.

(4) A registered employer shall on demand make a payment to the Board by way of deposit, or provide such other security for the purposes of the payment of the gross wages set out in Clause 28(6) hereof, and the percentage payments set out in paragraph (1) (a) and (b) of this Clause, as the Board may consider reasonably necessary.

(5) The Executive Officer shall furnish from time to time to the Board all such statistical and other information as may reasonably be required relating to the operation and finance of the Scheme.

39. Penalties—A contravention of any provision of the Scheme shall be punishable with imprisonment for a period not exceeding 3 months in respect of a first contrivention or 6 months in respect of a subsequent contravention or with fine not exceeding five hundred rupees in respect of a first contravention or one thousand rupees in respect of any subsequent contravention, or with both imprisonment and fine as aforesaid.

SCHEDULE.

Classes or descriptions of dock work and dock workers to which the Scheme applies.

1. Stevedoring work other than coal work.
2. The following categories of stevedore working:—
 - (I) Foreman;
 - (II) Chargeman;
 - (III) Stevedore Tindal;
 - (IV) Winchman;
 - (V) Hatch-Foreman;
 - (VI) Khalasi;
 - (VII) Stevedore Worker;
 - (VIII) Cleaning Tindal;
 - (IX) Cleaning Worker.

S. MULLICK, Dy. Secy.

